

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

GUY J. COLLETTE and JANICE MYHRE

PLAINTIFF

AND:

DUNDEE SECURITIES CORPORATION/CORPORATION DE VALEURS MOBILIERES
DUNDEE

DEFENDANT

AND:

MULTIMETRO MORTGAGE CORPORATION and KEN MEGALE

THIRD PARTIES

NOTICE OF MOTION

TO: The Defendant
AND TO: Its Solicitors
AND TO: The Third Party, Ken Megale
AND TO: His Solicitors

TAKE NOTICE that an application will be made by the Plaintiffs, to the Honourable Madam Justice Wedge at the Courthouse at 800 Smithe Street, Vancouver, British Columbia, on Friday, December 1, 2006, for an Order pursuant to the *Class Proceedings Act*, R.S.B.C. 1996, c. 50:

- (1) Declaring that the Settlement Agreement dated October 31, 2006 (the "Settlement Agreement"), a copy of which is attached hereto, is fair, reasonable and in the best interests of the representative Plaintiffs, the resident subclass, and the non-resident subclass as defined in the Order of the Honourable Mr. Justice Macaulay

dated September 2, 2004, as amended by the Order of the Honourable Madam Justice Wedge dated March 2, 2006.

- (2) Approving the Settlement Agreement, pursuant to s. 35 of the *Class Proceedings Act*.
- (3) Requiring the parties to the Settlement Agreement, and all members of the resident subclass and the non-resident subclass to comply with the terms of the Settlement Agreement.
- (4) Declaring that the Settlement Agreement is binding upon the resident subclass and the non-resident subclass, and that upon payment of the settlement funds by the Defendants as provided for within the Settlement Agreement, this action be and hereby is dismissed and as such the claims of the Plaintiffs, the resident subclass and the non-resident subclass in the within action are fully settled, disposed of, and extinguished.
- (5) That notice advising the resident subclass and non-resident subclass of the Court's approval of the Settlement Agreement pursuant to ss. 19 and 35 of the *Class Proceedings Act*, be posted on the following website: <http://www.domuslegis.com/> within seven days of the approval of the Settlement Agreement by the Court.
- (6) Such further and other Orders as counsel may advise and this Honourable Court may permit.

The applicant will rely on ss. 19 and 35 of the *Class Proceedings Act*.

At the hearing of the application, the applicant will rely on the following Affidavits and other documents:

- (a) The Affidavit of David G. Fredricksen, #8, sworn November 1, 2006;
- (b) The Affidavit of Guy J. Collette, #5, sworn October 26, 2006;
- (c) The Affidavit of Janice Myhre, #2, sworn October 27, 2006; and
- (d) The Affidavit of Paul Dawson, #3, sworn October 31, 2006.

The applicant estimates that the application, and the related application for approval of Class Counsel fees and disbursements, will together take one day in which to be heard.

If you wish to receive notice of the time and date of the hearing or to respond to the application, you must, within the proper time for response,

- (a) deliver to the applicant
 - (i) 2 copies of a Response in Form 124, and
 - (ii) 2 copies of each of the Affidavits and other documents, not already in the Court file, on which you intend to rely at the hearing, and
- (b) deliver to every other party of record
 - (i) one copy of a Response in Form 124, and
 - (ii) one copy of each Affidavit and other document, not already in the Court file, on which you intend to rely at the hearing.

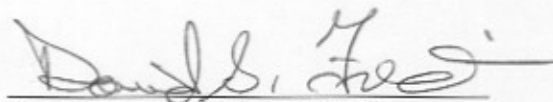
TIME FOR RESPONSE

If the application is for a final judgment under Rule 18A, the Response must be delivered on or before the 11th day after the delivery to you of the Notice of Motion.

In all other cases, the Response must be delivered on or before the 8th day after the later of

- (a) the last date fixed for entry of appearance by you, and
- (b) the date on which the Notice of Motion was delivered to you.

Dated: October 31, 2006



DAVID G. FREDRICKSEN
Solicitor for the Plaintiffs